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STATE FOR EEB/TRA JOHN BYERLY AND WIN DAYTON

E.O. 12958: DECL: 12/06/2017
TAGS: [FAIR](#) [ECON](#) [EI](#)
SUBJECT: SECRETARY CHERTOFF'S TRIP TO IRELAND

Classified By: DCM Robert Faucher. Reasons 1.4 (b/d).

¶1. (C) Summary: During his November 28) December 2 trip to Ireland, Secretary for Homeland Security Michael Chertoff met with Irish Transport Minister Noel Dempsey and Defence Minister Willie O'Dea together and later with Justice Minister Brian Lenihan to discuss DHS's proposal to move to full pre-clearance operations (customs and immigration) at Shannon and Dublin airports. The Secretary said that the screening of general aviation (GA) flights would be a critical part of the agreement. Each Minister indicated their willingness to work constructively with the USG but also urged DHS to pass them a draft agreement as soon as possible. Chertoff promised a draft by the week of December 3 and agreed to a mid-January target for the initial round of negotiations in Dublin. The Irish government wants to keep the negotiations as quiet as possible given domestic political sensitivities, and the Secretary indicated that the USG would follow the Irish lead on the public affairs side. Dempsey and Lenihan said that main legal concerns would center on the detention and search authorities of Customs and Border Protection (CBP) officials at each airport. Chertoff agreed but indicated that he felt these issues could be worked out and emphasized that the draft agreement the Irish would soon see was not a "final offer" but a starting point from which to negotiate. End Summary.

Ministers Dempsey and O'Dea

¶2. (C) On November 29, Secretary Chertoff met with Transport Minister Noel Dempsey and Defence Minister Willie O'Dea to discuss the proposal to move to full pre-clearance operations (customs and immigration) at Shannon and Dublin airports and the inclusion of the screening of GA flights into the proposal. Participants:

Transport Minister Noel Dempsey
Defence Minister Willie O'Dea
John Murphy, Asst. Sect. Aviation, Dept of Transport
Tanya Harrington, Special Advisor to the Minister
Ed O'Callaghan, Airports Division, Dept. of Transport
Michael Dreelan, Legal Advisor, Dept. of Transport
Martin Power, Dept. of Justice
Joe Hackett, Head of Consular Section, Dept of Foreign Affairs
Phonsey Croke, Principal Officer, Customs
Ethna Brogan, Aviation Security, Dept of Transport

Secretary Chertoff

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Ambassador Foley
Paul Rosenzweig, Deputy Assistant Secretary, DHS
Adam Isles, Dep. Chief of Staff, DHS
Andrew Levy, Dep. General Counsel, DHS

Rob Faucher, DCM Embassy Dublin
Juan Soltero, CBP Port Director, Dublin Airport
Dwight Nystrom, Econ Officer, Embassy Dublin
(notetaker)

13. (C) Dempsey said that the Irish were willing to work with the USG to reach an agreement but he emphasized that they needed to see a draft text before they could begin serious discussions. Chertoff promised a draft text to the Irish in the week beginning December 3. Dempsey said that the initial round of negotiations could take place in mid-January in Dublin if they received the text in this time-frame. However, he said that his Department would (in all likelihood) need to introduce legislation in connection with the agreement. The legislation would be introduced, at the earliest, only between Easter and July 2008, as it was important to move the negotiations swiftly.

14. (C) Chertoff emphasized that the "real step forward" in this agreement was the inclusion of GA flights for full pre-clearance and pointed out the potential economic benefits to Shannon of including GA. To this, O'Dea (almost to himself) added "Yes, that's definitely important." (Note: O'Dea is not only Defence Minister but is also a member of the Dail (the Irish Parliament) from the Shannon area and has been particularly vocal in opposing Aer Lingus's recent decision to transfer its Shannon-Heathrow slots to Belfast. End Note).

15. (C) Dempsey and O'Dea both counseled that the negotiations should be held quietly given the sensitivity among a small minority of Irish citizens over the U.S. military's use of Shannon airport for transit flights to the Middle East. In addition, both Ministers pointed out that the U.S. "should not underestimate the ability of some to make mischief" and link the (inaccurate) perception that Shannon has been used for "extraordinary rendition flights" to discussions surrounding full pre-clearance negotiations. Because of this and other sensitivities, Dempsey said that it "would be better to negotiate behind the scenes. After all, when you're defending, you're losing." Chertoff agreed to follow the Irish lead.

16. (C) Dempsey laid out the main legal concerns that the Irish government could foresee: the powers of detention and the ability of U.S. officials to search. He noted that the involvement of Irish officials would "make things easier." As well, he pointed out that customs policy is a competence of the EU, so Ireland may have to consult with Brussels on any part of the agreement that touched on customs. He sought assurances from Chertoff that, if the facilities at the airports were put in place, DHS would commit the necessary resources to "provide an adequate level of service." Chertoff assured Dempsey that they could address the legal issues through negotiations. He said that, since the move to pre-clearance involves adding in the customs component, the USG was not so much concerned with detention issues as with the ability to search passengers and their belongings.

Justice Minister Lenihan

17. (C) On November 30, Secretary Chertoff met with Irish Justice Minister Brian Lenihan. Participants:

Justice Minister Brian Lenihan
Ed O'Callaghan, Airports Division, Dept. of Transport
Martin Power, Dept. of Justice
Joe Hackett, Head of Consular Section, Dept of Foreign Affairs
Ken O'Leary, Asst Secretary of Security, Dept of Justice
Paddy Forsyth, Dept. of Justice

Secretary Chertoff

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Ambassador Foley

Paul Rosenzweig, Dep. Asst. Secretary, DHS
Adam Isles, Dep. Chief of Staff, DHS
Andrew Levy, Dep. General Counsel, DHS
Dwight Nystrom, Econ Officer, Embassy Dublin
(notetaker)

¶18. (C) As in the November 29 meeting with Ministers Dempsey and O'Dea, Chertoff emphasized that the most important element of the agreement was the inclusion of GA flight screening. He said that the USG would like to have access to the same Passenger Name Record information for GA flights as it currently has for commercial flights (passenger names, crew data, etc.) and to be able to scan planes for radiation well before they entered U.S. airspace. In that regard, he said Shannon Airport was an ideal location.

¶19. (C) Chertoff indicated that the Irish would receive the draft agreement next week but added that his department had to complete interagency negotiations first. Chertoff said that Shannon would be the first European "hub" for the screening of GA flights. Lenihan was quite interested in the economic benefits stemming from the proposal and welcomed this information.

¶110. (C) Lenihan reiterated the Irish government's willingness to reach an understanding but said that they need to see the "details of the plan first." He noted that both governments need to be mindful of the public relations aspect of any agreement and that they need to spend "some time talking about how the announcement could be sequenced." Lenihan continued that it would be best to keep the negotiations quiet.

¶111. (C) Lenihan said it appeared the chief U.S. concern was screening of GA planes. Chertoff agreed but added that being able to search passengers was also a priority. Chertoff said that he saw the USG's role at the two airports as being very simple -- "you're either allowed in or not allowed in." He said, of course, that if a passenger were refused entry in Shannon or Dublin, CBP would inform the Garda (police) to enable them to take appropriate action. He continued, saying that the real trick will be putting in place the mechanisms that will allow for this sort of open communication. Chertoff emphasized that the draft agreement the Irish would soon see was not a "final offer" but a starting point from which to negotiate.

¶112. (C) In a later conversation with the Ambassador, Chertoff said that the draft agreement and the negotiations on Circular 175 authority would be discussed at the next Deputies meeting. He also agreed with the Ambassador's suggestion to avoid -- as much as possible -- publicly discussing radiation screening at Shannon, for fear of alarming the Irish populace and creating further political difficulties for the Irish government early on in the negotiations.

¶113. (U) Secretary Chertoff's staff cleared on this message.
FOLEY